

November 20, 2009

Melanie Crawley
8310 Jensen Ave. S.
Cottage Grove, Minnesota 55016

Dear Ms. Crawley:

Enclosed is a copy of the fully executed Stipulation & Consent Order approved by the Emergency Medical Services Regulatory Board (EMSRB) on March 19, 2009.

The Board's Stipulation and Order states in part:

1. Your EMT-B certification has had conditions placed on it.
2. You must obtain a fit-for-duty evaluation within 30 days of this Consent Order. The evaluator must be preapproved by this board.
3. You must comply with the evaluator's recommendations;
4. Within 60 days of this Consent Order you must submit evidence of successful completion of continuing education in the areas addressed in the Consent Order.
5. Within one month of completion of the continuing education you must submit a typewritten report addressing what you learned and how it applies to your current and future practice.
6. You must submit a report from the EMS supervisor with whom you are currently employed. This report must be submitted monthly while the Consent Order is in effect and shall address the areas outlined in the Consent Order.
7. Comply with any other requirements stated in the Stipulation and Consent Order.

You are encouraged to take this matter seriously and abide by the stipulation and order requirements. Failure to do so may result in further action against your certification as an EMT-B.

If you have further questions, please contact Rose Olson (651.201.2804) at your convenience.

Sincerely,



Katherine Burke Moore
Executive Director

Cc: Karen Andrews, Assistant Attorney General

Enclosure: Stipulation and Order

**BEFORE THE MINNESOTA
EMERGENCY MEDICAL SERVICES REGULATORY BOARD**

In the Matter of
Melanie Crawley, EMT-B
Certificate No. 503278

**STIPULATION AND
CONSENT ORDER**

STIPULATION

Melanie Crawley, EMT-B ("Respondent"), and the Minnesota Emergency Medical Services Regulatory Board's Complaint Review Panel ("Review Panel") agree the above-referenced matter may be resolved without trial of any issue or fact as follows:

I.

JURISDICTION

1. The Minnesota Emergency Medical Services Regulatory Board ("Board") is authorized pursuant to Minnesota Statutes chapter 144E to certify and regulate emergency medical technicians and to take disciplinary action as appropriate.

2. Respondent holds a certificate from the Board to provide emergency medical services as an Emergency Medical Technician - Basic ("EMT-B") in the State of Minnesota and is subject to the jurisdiction of the Board with respect to the matters referred to in this Stipulation and Consent Order.

II.

CONFERENCE

3. On September 21, 2009, Respondent and her attorney, Barry McKee, Sr., Esq., McKee & Associates, Stillwater, Minnesota, appeared before the Review Panel, composed of Dawn Bidwell, Brenda Brown, Dr. Paula Fink Kochen, Dr. Paul Satterlee, and Matt Simpson,

Board members, and Rose K. Olson, Board staff, to discuss allegations contained in a Notice of Conference dated August 21, 2009. Karen Andrews, Assistant Attorney General, represented the Review Panel at the conference.

III.

FACTS

4. The parties agree this Stipulation and Consent Order is based upon the following facts:

a. On May 21, 2009, Respondent transferred a 62-year-old vulnerable adult patient by ambulance from a hospital to a nursing home. The patient has a history of dementia and mental health issues. The patient was agitated, belligerent, and spitting when the ambulance arrived, but calmed down during the transport.

b. Upon arrival at the nursing home, the patient became agitated because his wheelchair was not in his room. While Respondent was lowering the stretcher, the patient unexpectedly slapped Respondent across the cheek. In response, Respondent slapped the patient back, leaving a mark on his face. Respondent then attempted to restrain the patient and made statements that she could call the police and the patient could go to jail. Nursing home staff responded and asked Respondent and her partner to leave. Respondent failed to document the incident in the Patient Care Report, but she self-reported it to her employer.

c. On May 22, 2009, Respondent was placed on administrative leave pending an internal investigation. On May 26, 2009, Respondent informed her supervisor, manager and human resources director that she was not aware of the employer's policies and procedures for dealing with difficult and/or violent patients. On May 27, 2009, Respondent's employment was terminated.

d. At the conference with the Review Panel on September 21, 2009, Respondent indicated she was not aware of the patient's medical or psychiatric history at the time of the incident, and she slapped the patient because she was trying to "regain control" in a "deteriorating situation." Respondent also stated she did not simply back away because she was trying to prevent the patient from falling and injuring himself. Respondent indicated she would handle a situation like this differently in the future. Respondent stated she has been accepted into a nursing program, and she is currently employed as an EMT-B with another ambulance service.

IV.

LAWS

5. Respondent acknowledges the conduct described in section III. above constitutes a violation of Minnesota Statutes section 144E.28, subdivision 5(a)(5) and (6), and justifies the disciplinary action described in section V. below.

V.

DISCIPLINARY ACTION

The parties agree the Board may take the following disciplinary action and require compliance with the following terms:

A. Conditions on Certificate

6. The Board places the following **CONDITIONS** on Respondent's EMT-B certificate:

a. Fit-for-Duty Evaluation. Within 30 days of the date of this Consent Order, Respondent shall undergo a fit-for-duty evaluation performed by a licensed psychiatrist or psychologist. Respondent shall submit, or cause to be submitted, the credentials of the evaluator

for review and preapproval by Board staff for purposes of this evaluation. Respondent is responsible for the cost of the evaluation. The results shall be sent directly to the Board and shall provide and address:

- 1) Verification the evaluator has reviewed a copy of this Stipulation and Consent Order and any requested records from Respondent's health care professionals;
- 2) Respondent's ability to perform the duties of an EMT-B without harm to patients;
- 3) Respondent's ability to handle stress;
- 4) Recommendations for additional evaluation or treatment;
- 5) Recommendations for additional limitations or conditions regarding Respondent's practice as an EMT-B; and
- 6) Any other information the evaluator believes would assist the Board in its ultimate review of this matter.

b. Compliance With Evaluator's Recommendations. Respondent shall comply with any recommendations made by the evaluator.

c. Continuing Education. Within 60 days of the date of this Consent Order, Respondent shall submit to the Board evidence of successful completion of at least 3.0 contact hours of continuing education on the topics of (1) documentation; (2) handling difficult and/or violent patients; and (3) the roles and responsibilities of the EMT-B with regard to patient care. Respondent shall submit written documentation, such as measurable learning objectives and qualifications of the instructor, in order to receive advance approval from Board staff of classes that Respondent takes in fulfillment of this condition. Respondent shall also submit verification of participation for any class taken in fulfillment of this requirement.

d. Typewritten Report. Within one month of the date of completion of the continuing education, Respondent shall submit to the Board a typewritten report at least four (4) pages in length addressing what she learned and achieved through the continuing education. Respondent shall reflect on the situation described in section III and describe the knowledge she has gained and how she will apply this knowledge to her current and future practice.

e. Report From EMS Supervisor. Respondent shall cause to be submitted to the Board a report from her EMS supervisor, if Respondent is employed as an EMT-B. The report shall be submitted monthly while this Consent Order is in effect. Each report shall provide and address:

1) In the first report, verification Respondent's supervisor has received and reviewed a copy of this Stipulation and Consent Order;

2) In the first report, the date of Respondent's employment and the average number hours Respondent is scheduled to work;

3) Respondent's ability to carry out assigned functions;

4) The existence of any Field Training Officer ("FTO") reports;

5) Any concerns about Respondent's EMT-B practice or interactions with patients; and

6) Any other information the supervisor believes would assist the Board in its ultimate review of this matter.

7. Respondent shall notify each present and future nursing supervisor of this Stipulation and Consent Order within ten days of the date of the Order or commencing employment. Respondent shall provide the supervisor with a copy of the entire signed Stipulation and Consent Order.

B. Removal of Conditions

8. If Respondent complies with the conditions outlined above, the conditions upon Respondent's certificate shall be administratively removed following six (6) months from the date of this Consent Order upon written notification to Respondent by the Board of removal of the conditions.

VI.

CONSEQUENCES FOR NONCOMPLIANCE OR ADDITIONAL VIOLATIONS

9. It is Respondent's responsibility to ensure all reports, evaluations, and documentation required to be filed with the Board pursuant to this Stipulation and Consent Order are timely filed by those preparing the report, evaluation, or documentation. Failure to file reports on or before their due date is a violation of this Stipulation and Consent Order. The information contained in the reports, evaluations, and documentation is confidential and shall be submitted to the Board by United States mail, courier, or personal delivery only.

10. If Respondent fails to comply with or violates this Stipulation and Consent Order, the Review Panel may, in its discretion, seek additional discipline either by initiating a contested case proceeding pursuant to Minnesota Statutes chapter 14 or by bringing the matter directly to the Board pursuant to the following procedure:

a. The Review Panel shall schedule a hearing before the Board. At least 30 days before the hearing, the Review Panel shall mail Respondent a notice of the violation(s) alleged by the Review Panel. In addition, the notice shall designate the time and place of the hearing. Within ten days after the notice is mailed, Respondent shall submit a written response to the allegations. If Respondent does not submit a timely response to the Board, the allegations may be deemed admitted.

b. The Review Panel, in its discretion, may schedule a conference with Respondent prior to the hearing before the Board to discuss the allegations and to attempt to resolve the allegations through agreement.

c. Prior to the hearing before the Board, the Review Panel and Respondent may submit affidavits and written argument in support of their positions. At the hearing, the Review Panel and Respondent may present oral argument. Argument shall not refer to matters outside the record. The evidentiary record shall be limited to the affidavits submitted prior to the hearing and this Stipulation and Consent Order. The Review Panel shall have the burden of proving by a preponderance of the evidence that a violation has occurred. If Respondent has failed to submit a timely response to the allegations, Respondent may not contest the allegations, but may present argument concerning the appropriateness of additional discipline. Respondent waives a hearing before an administrative law judge, discovery, cross-examination of adverse witnesses, and other procedures governing hearings pursuant to Minnesota Statutes chapter 14.

d. Respondent's correction of a violation before the conference, hearing, or meeting of the Board may be taken into account by the Board but shall not limit the Board's authority to impose discipline for the violation. A decision by the Review Panel not to seek discipline when it first learns of a violation shall not waive the Review Panel's right to later seek discipline for that violation, either alone or in combination with other violations, at any time while Respondent's license is in a conditional status.

e. Following the hearing, the Board will deliberate confidentially. If the allegations are not proved, the Board shall dismiss the allegations. If a violation is proved, the Board may impose additional discipline, including additional conditions or limitations on

Respondent's practice, a period of suspension, additional conditions of reinstatement, or revocation of Respondent's certification.

f. Nothing herein shall limit the Review Panel's or the Board's right to temporarily suspend Respondent's license pursuant to Minnesota Statutes section 144E.28, subdivision 6, based on a violation of this Stipulation and Consent Order or based on conduct of Respondent not specifically referred to herein.

VII.

ADDITIONAL INFORMATION

11. In the event Respondent should leave Minnesota to reside or to practice outside of the state, Respondent shall give the Board written notification of the new location, as well as dates of departure and return. Periods of residency and practice outside of Minnesota will not apply to the reduction of any period of Respondent's conditional license in Minnesota unless Respondent demonstrates that the practice in another state conforms completely with this Stipulation and Consent Order. If Respondent leaves the state, the terms of this Order continue to apply unless waived in writing.

12. Within ten days of execution of this Stipulation and Consent Order, Respondent shall provide the Board with the addresses and telephone numbers of Respondent's residence and all agencies or facilities and locations at which Respondent has become employed or provides volunteer emergency medical services. Respondent shall inform the Board within ten days if she becomes employed at any additional agencies or facilities or moves and shall provide the new or additional address and telephone number.

13. Within ten days of execution of this Stipulation and Consent Order, Respondent shall provide the Board with the names of all states in which Respondent is authorized to provide

emergency medical services or has applied for certification as an EMT-P, EMT-B, or first responder.

14. Respondent waives the contested case hearing and all other procedures before the Board to which Respondent may be entitled under the Minnesota and United States constitutions, statutes, or rules.

15. Respondent waives any claims against the Board, the Minnesota Attorney General, the State of Minnesota, and their agents, employees, and representatives related to the investigation of the conduct herein, or the negotiation or execution of this Stipulation and Consent Order, which may otherwise be available to Respondent.

16. This Stipulation and Consent Order, the files, records, and proceedings associated with this matter shall constitute the entire record and may be reviewed by the Board in its consideration of this matter.

17. Either party may seek enforcement of this Stipulation and Consent Order in any appropriate civil court.

18. Respondent has read, understands, and agrees to this Stipulation and Consent Order and has voluntarily signed the Stipulation and Consent Order. Respondent is aware this Stipulation and Consent Order must be approved by the Board before it goes into effect. The Board may either approve the Stipulation and Consent Order as proposed, approve it subject to specified change, or reject it. If the changes are acceptable to Respondent, the Stipulation and Consent Order will take effect and the order as modified will be issued. If the changes are unacceptable to Respondent or the Board rejects the Stipulation and Consent Order, it will be of no effect except as specified in the following paragraph.

19. Respondent agrees that if the Board rejects this Stipulation and Consent Order or a lesser remedy than indicated in this settlement, and this case comes again before the Board, Respondent will assert no claim that the Board was prejudiced by its review and discussion of this Stipulation and Consent Order or of any records relating to it.

20. This Stipulation and Consent Order shall not limit the Board's authority to proceed against Respondent by initiating a contested case hearing or by other appropriate means on the basis of any act, conduct, or admission of Respondent which constitutes grounds for disciplinary action and which is not directly related to the specific facts and circumstances set forth in this document.

VIII.

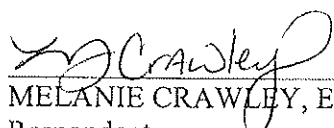
DATA PRACTICES NOTICES

21. This Stipulation and Consent Order constitutes disciplinary action by the Board and is classified as public data pursuant to Minnesota Statutes section 13.41, subdivision 5. Data regarding this action will be provided to data banks as required by Federal law or consistent with Board policy. While this Stipulation and Consent Order is in effect, information obtained by the Board pursuant to this Order is considered active investigative data on a licensed health professional, and as such, is classified as confidential data pursuant to Minnesota Statutes section 13.41, subdivision 4.

22. This Stipulation contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies this Stipulation.

CONSENT:

MINNESOTA EMERGENCY MEDICAL
SERVICES REGULATORY BOARD
COMPLAINT REVIEW PANEL



MELANIE CRAWLEY, EMT-B
Respondent

Dated: November 3, 2009



DAWN BIDWELL
Board Member

Dated: November 19, 2009

ORDER

Upon consideration of the Stipulation, the Board places Respondent's certificate in a **CONDITIONAL** status and adopts all of the terms described above on this 20th day of November, 2009.

MINNESOTA EMERGENCY MEDICAL
SERVICES REGULATORY BOARD



KATHERINE BURKE MOORE
Executive Director

AG: #2515213-v1